

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

THERESA HERRON, as personal
representative of the Estate of Kord
Kostich, deceased ,
Plaintiff,

Case No. 19-12357

Nancy G. Edmunds
United States District Judge

v.

Curtis Ivy, Jr.
United States Magistrate Judge

POLARIS INDUSTRIES, INC.,

Defendant.

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**ORDER REQUIRING RULE 26(f) MEETING
AND SETTING DATE FOR INITIAL RULE 16 CONFERENCE**

The Court will conduct a Scheduling Conference (the “Conference”) by telephone on **November 1, 2022, at 11:00 AM**. The call-in information is as follows: call-in#: 877-336-1274; Access code 2140210.

The purpose of this Conference is to make the Court aware of the issues involved, to discuss the possibility of settlement, and to establish appropriate case management dates. Prior to the Conference, counsel shall meet and confer in order to prepare a Joint Case Management Report/Discovery Plan (the “Plan”) that includes the information identified in Rule 26(f) of the Federal Rules of Civil Procedure. Counsel of record must cooperate and consult in good faith.

Plaintiff shall file a written Rule 26(f) plan and status report no later than **10 business days** before the Conference. If any party is proceeding without counsel, separate

Plans may be filed. Following the Conference, the Court will issue its own Case Management and Scheduling Order.

The following Agenda Items are to be individually addressed in the written Plan under separate headings:

1. **Factual Summary:** Provide a brief description of the nature of the action and a brief summary of Plaintiff's claims and Defendant's defenses. Identify the core, dispositive factual issues.
2. **Legal Issues:** Identify the legal issues genuinely in dispute. Also identify any dispositive or partially dispositive issues appropriate for decision by motion.
3. **Amendment of Pleadings:** Identify any anticipated amendments of pleadings to add or delete claims, defenses, or parties and the deadline by which to do so.
4. **Discovery:** The following must be discussed in the Plan:
 - (a) Summarize the discovery each party intends to pursue, including the number of fact and expert witness depositions the parties anticipate conducting, the reasonable time needed for completion, and any anticipated disputes;
 - (b) Explain the arrangements for exchanging initial disclosures required by Fed. R. Civ. 26(a)(1);
 - (c) Indicate whether any changes should be made in the limitations on discovery imposed by the Federal and Local Rules; and
 - (d) Address whether there is a need to enter a protective order or a confidentiality order pursuant to Federal Rule of Evidence 502(d). Counsel are instructed to commence discovery following the meet and confer. All written discovery requests must be served no later than 30 days before the discovery deadline.

The Plan must include proposed deadlines for the exchange of (1) initial disclosures, (2) fact and expert witness lists, (3) fact discovery, and (4) dispositive motions.

5. Electronic Discovery: Explain the parties' plan for handling electronic discovery. At the very least, the parties should discuss and address (a) the ESI to be preserved; (b) the form in which any ESI will be produced (i.e., native format, PDF, etc.); (c) whether to limit discovery of ESI to particular sources, periods of time or custodians, at least as an initial matter; (d) search terms and/or methods to be used to identify responsive materials; and (e) the format of the privilege log to be used by the parties.

6. Settlement: Explain the prospects for settlement and whether the parties are interested in Case Evaluation (see Local Rule 16.3) or other methods of alternative dispute resolution. Identify the discovery that would be most helpful in evaluating likelihood of settlement.

7. Consent: Indicate whether the parties consent to the jurisdiction of a United States Magistrate Judge to conduct all proceedings in this civil action (including a jury or non-jury trial) and to order the entry of a final judgment, as provided in 28 U.S.C. § 636(c) and Federal Rule of Civil Procedure 73.

8. Trial: Identify whether this will be a jury or bench trial and the estimated length of trial. Also identify when each side can be ready for trial and if the parties expect to request a bifurcated trial

9. Miscellaneous: Identify any other matters any party wishes to address at

the Scheduling Conference.

If the parties cannot reach an agreement on any provision of the Plan, the parties shall include in the relevant provision of the Plan a brief statement containing each of the parties' respective positions.

IT IS SO ORDERED.

Date: September 21, 2022

s/Curtis Ivy, Jr.
CURTIS IVY, JR.
United States Magistrate Judge